

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**TORUS VENTURES LLC,**

**Plaintiff,**

**v.**

**GUARANTY BANK & TRUST, N.A.,**

**Defendant.**

**Civil Action No: 2:24-cv-01030-JRG**

**PATENT CASE**

**JURY TRIAL DEMANDED**

**LEAD CASE**

**JOINT MOTION TO AMEND DOCKET CONTROL ORDER**

Pursuant to the Docket Control Order (“DCO”) (ECF No. 33), the parties respectfully move to amend the DCO as set forth below and in the attached proposed order.

Counsel for Plaintiff Torus Ventures, LLC and counsel for Defendants have conferred and agree to an extension of time up to and including May 16, 2025 for the parties to serve Initial and Additional Disclosures, pursuant to Paragraphs 1 & 3 of the Discovery Order. The parties also agree to an extension of time up to and including August 1, 2025 for Defendants to serve Invalidity Contentions, pursuant to P.R. 3-3 & 3-4, and the related Subject Matter Eligibility Contentions. These agreed extensions will not impact any other deadlines in the DCO and will allow the parties to make more robust disclosures and reduce any discovery disputes.

Accordingly, the parties jointly request that the Court issue the attached Amended DCO. The proposed dates are set forth below:

New Date	Previous Date	Event
	July 20, 2026	*Jury Selection - 9:00 a.m. in <b>Marshall, Texas</b>
	7 days before Jury Selection	*Defendant to disclose final invalidity theories, final prior art references/combinations, and final equitable defenses. <sup>1</sup>
	10 days before Jury Selection	*Plaintiff to disclose final election of Asserted Claims. <sup>2</sup>
	June 22, 2026	* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date. <sup>3</sup>
	June 15, 2026	*Pretrial Conference - 9:00 a.m. in <b>Marshall, Texas</b> before Judge Rodney Gilstrap
	June 8, 2026	*Notify Court of Agreements Reached During Meet and Confer  The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
	June 8, 2026	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations

<sup>1</sup> The proposed DCO shall include this specific deadline. The deadline shall read, "7 days before Jury Selection," and shall not include a specific date.

<sup>2</sup> Given the Court's past experiences with litigants dropping claims and defenses during or on the eve of trial, the Court is of the opinion that these additional deadlines are necessary. The proposed DCO shall include this specific deadline. The deadline shall read, "10 days before Jury Selection," and shall not include a specific date.

<sup>3</sup> 3 The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of Voir Dire.

New Date	Previous Date	Event
	June 1, 2026	<p>*File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shawn McRoberts, at <a href="mailto:shawn_mcroberts@txed.uscourts.gov">shawn_mcroberts@txed.uscourts.gov</a>.</p>
	May 26, 2026	<p>File Motions <i>in Limine</i></p> <p>The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.</p>
	May 26, 2026	Serve Objections to Rebuttal Pretrial Disclosures
	May 18, 2026	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
	May 4, 2026	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
	April 27, 2026	<p>*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order.<sup>4</sup> Motions for Summary Judgment shall comply with Local Rule CV-56.</p>

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<sup>4</sup> The parties are directed to Local Rule CV-7(d), which provides in part that "[a] party's failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion." If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

New Date	Previous Date	Event
	April 13, 2026	<p>*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)</p> <p>No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
	April 13, 2026	<p>*File Dispositive Motions</p> <p>No dispositive motion may be filed after this date without leave of the Court.</p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</p>
	April 6, 2026	Deadline to Complete Expert Discovery
	March 23, 2026	Serve Disclosures for Rebuttal Expert Witnesses
	March 2, 2026	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
	March 2, 2026	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
	February 5, 2026	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
	January 15, 2026	*Claim Construction Hearing - 9:00 a.m. in <b>Marshall, Texas</b> before Judge Rodney Gilstrap
	January 2, 2026	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
	December 26, 2025	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
	December 18, 2025	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
	December 4, 2025	<p>Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)</p> <p>Good cause must be shown to submit technical</p>

New Date	Previous Date	Event
		tutorials after the deadline to comply with P.R. 4-5(a).
	December 4, 2025	<p>Deadline to Substantially Complete Document Production and Exchange Privilege Logs</p> <p>Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.</p>
	November 20, 2025	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
	November 13, 2025	File Response to Amended Pleadings
	October 30, 2025	<p>*File Amended Pleadings</p> <p>It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.</p>
	October 23, 2025	Comply with P.R. 4-3 (Joint Claim Construction Statement)
	October 2, 2025	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)

New Date	Previous Date	Event
	September 11, 2025	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
August 1, 2025	May 7, 2025	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions <sup>5</sup>
August 1, 2025	May 7, 2025	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
May 16, 2025	April 16, 2025	<p>*File Proposed Protective Order and Comply with Paragraphs 1 &amp; 3 of the Discovery Order (Initial and Additional Disclosures)</p> <p>The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.</p>
	April 9, 2025	<p>*File Proposed Docket Control Order and Proposed Discovery Order</p> <p>The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.</p>
	April 2, 2025	Join Additional Parties

The parties have attached a proposed order consistent with the above proposed schedule.

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<sup>5</sup> <http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf> [https://perma.cc/RQN2-YU5P]

Dated: April 14, 2025

Respectfully submitted,

/s/ Isaac Rabicoff

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**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule CV-7(i), the undersigned certifies that counsel for Defendants have met and conferred with counsel for Plaintiff regarding this Unopposed Motion for to Amend the Docket Control Order, and the Parties have agreed to the requested relief and to file the motion jointly.

/s/ Lance E. Wyatt

Lance E. Wyatt

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the above and foregoing document has been served on April 14, 2025, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

*/s/ Lance E. Wyatt*  
Lance E. Wyatt